

1 U visa. On or about February 1, 2004 Plaintiff BUCIO presented Defendants a
2 written request that they issue her and her children, Plaintiffs SERGIO and
3 ANDRES BUCIO PEREZ, lawful status in accordance with the Crime Victims Act.
4 Defendants have refused to grant or deny Plaintiff BUCIO'S and Plaintiffs SERGIO
5 and ANDRES BUCIO PEREZ U visa status.
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7 18. Plaintiff XIOMARA CASTRO is a citizen and national of El Salvador. She
8 is a resident of the City of San Francisco, State of California. Plaintiff XIOMARA
9 CASTRO is a victim of criminal assault and domestic violence. She cooperated
10 with law enforcement and is statutorily eligible for the issuance of a U visa. On
11 or about July 30, 2004 Plaintiff XIOMARA CASTRO presented Defendants a written
12 request for benefits under the Crime Victims Act. Defendants have refused to
13 grant or deny Plaintiff CASTRO a U visa.
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15 19. Plaintiff RAMONA QUINTERO is a citizen and national of Mexico. She is
16 a resident of the City of San Francisco, State of California. Plaintiff QUINTERO is a
17 victim of criminal threats, Restraining Order violation, and battery (domestic
18 violence). She cooperated with law enforcement and is statutorily eligible for the
19 issuance of a U visa. On or about October 6, 2004 Plaintiff QUINTERO presented
20 Defendants a written request for benefits under the Crime Victims Act.
21 Defendants have refused to grant or deny Plaintiff QUINTERO a U visa.
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23 20. Plaintiff LUIS R. NUNEZ HERNANDEZ is a citizen and national of
24 México. He is a resident of the City of San Francisco, State of California. Plaintiff
25 NUNEZ HERNANDEZ is a victim of aggravated assault with a gun and attempted
26 murder. He cooperated with law enforcement and is statutorily eligible for the
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Complaint

1 issuance of a U visa. On or about September 17, 2004, Plaintiff NUNEZ
2 HERNANDEZ presented Defendants a written request for benefits under the
3 Crime Victims Act. Defendants have refused to grant or deny plaintiff NUNEZ
4 HERNANDEZ a U visa.
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6 21. Plaintiff RICARDO NUNEZ HERNANDEZ is a citizen and national of
7 México. He is a resident of the City of San Francisco, State of California. Plaintiff
8 RICARDO NUNEZ HERNANDEZ is a victim of aggravated assault with a gun and
9 attempted murder. He cooperated with law enforcement and is statutorily
10 eligible for the issuance of a U visa. On or about September 17, 2004, Plaintiff
11 NUNEZ HERNANDEZ presented Defendants a written request for benefits under
12 the Crime Victims Act. Defendants have refused to grant or deny plaintiff
13 NUNEZ HERNANDEZ a U visa.
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16 22. Plaintiff ELIZABETH LOPEZ GOMEZ is a citizen and national of México.
17 She is a resident of the City of San Mateo, State of California. Plaintiff ELIZABETH
18 LOPEZ GOMEZ is a victim of the infliction of corporal injury on a spouse, criminal
19 assault, and criminal threats. She cooperated with law enforcement and is
20 statutorily eligible for the issuance of a U visa. On or about May 21, 2004,
21 Plaintiff LOPEZ GOMEZ presented Defendants with a written request for benefits
22 in accordance with the Crime Victims Act. Defendants have refused to grant or
23 deny Plaintiff LOPEZ GOMEZ a U visa.
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26 23. Plaintiff MARIA ESTERVINA PEREZ is a citizen and national of El
27 Salvador. She is a resident of the City of Menlo Park, State of California. Plaintiff
28 ESTERVINA PEREZ is a victim of the infliction of corporal injury and criminal

1 assault. She cooperated with law enforcement and is statutorily eligible for the
2 issuance of a U visa. On or about July 28, 2004, Plaintiff ESTERVINA PEREZ
3 presented Defendants with a written request for benefits in accordance with the
4 Crime Victims Act. Defendants have refused to grant or deny Plaintiff
5 ESTERVINA PEREZ a U visa.
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7 24. Plaintiff GIOVANA SAAVEDRA is a citizen and national of Peru. She is a
8 resident of the City of Newark, State of California. She is a victim of domestic
9 violence and is statutorily eligible for the issuance of a U visa. On or about
10 November 21, 2006, she petitioned the USCIS to issue her benefits under the
11 Crime Victims Act. Plaintiff SAAVEDRA submitted her application without a U
12 certification after making several good faith efforts to obtain one from the
13 Newark Police Department and the Alameda County District Attorney's office,
14 but they refused despite the fact that the abuser in her case was prosecuted and
15 pled guilty. Defendants have refused to grant or deny Plaintiff SAAVEDRA a U
16 visa.
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18 25. Plaintiff ELEUTERIO RODRIGUEZ RUIZ is a citizen and national of
19 Mexico. He is a resident of the City of Stockton, State of California. He is a victim
20 of an aggravated assault perpetrated by a United States citizen vigilante armed
21 with a deadly weapon, cooperated with law enforcement that investigated the
22 crime, and is statutorily eligible for the issuance of a U visa. On or about June 30,
23 2005, he petitioned the USCIS to issue him a U visa. Defendants have refused to
24 grant or deny Plaintiff RODRIGUEZ RUIZ's request for a U visa.
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1 26. Plaintiff FELIPE SANCHEZ MARTINEZ is a citizen and national of
2 Mexico. He is a resident of the City of Phoenix, State of Arizona. He is a victim of
3 an aggravated assault perpetrated by a United States citizen vigilante armed
4 with a deadly weapon, cooperated with law enforcement that investigated the
5 crime, and is statutorily eligible for the issuance of a U visa. On or about June 30,
6 2005, he petitioned the USCIS to issue him a U visa. Defendants have refused to
7 grant or deny Plaintiff SANCHEZ MARTINEZ's request for a U visa.
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10 27. Plaintiff FRANCISCA RAMIREZ ALVAREZ is a citizen and national of
11 Mexico. She is a resident of the City of Louisville, State of Kentucky. She is a
12 victim of domestic violence and is statutorily eligible for the issuance of a U visa.
13 On or about March 19, 2002, she petitioned the Louisville, KY Immigration and
14 Naturalization Service office for benefits under the Crime Victims Act. On
15 January 2, 2003, she petitioned the USCIS for benefits under the Crime Victims
16 Act. Defendants have refused to grant or deny Plaintiff FRANCISCA RAMIREZ
17 ALVAREZ a U visa.
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20 28. Plaintiff CONSTANTINA CAMPOS is a citizen and national of Mexico.
21 She is a resident of the City of New York, State of New York. She is a victim of
22 domestic violence, cooperated with law enforcement, and is statutorily eligible
23 for the issuance of a U visa. On or about July 12, 2002, she petitioned the USCIS
24 for benefits under the Crime Victims Act. Defendants have refused to grant or
25 deny Plaintiff CAMPOS a U visa.
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27 29. Plaintiff IRMA MORENO SANVICENTE is a citizen and national of
28 Mexico. She is a resident of the City of New York, State of New York. She is a

1 victim of criminal domestic violence, cooperated with law enforcement, and is
2 statutorily eligible for the issuance of a U visa. She first petitioned the USCIS for
3 U visa benefits in late 2005, but the USCIS refused to adjudicate her petition on
4 the basis that her law enforcement certification had expired. On or about
5 February 3, 2006, Plaintiff MORENO SANVICENTE petitioned the USCIS again for
6 benefits under the Crime Victims Act. In January 2007, Plaintiff MORENO
7 SANVICENTE petitioned the USCIS for a renewal of deferred action status and for
8 a U visa. Absent regulations allowing for the issuance of U visas, Plaintiff
9 MORENO SANVICENTE's 17-year-old daughter in Meixco is in danger of aging out
10 of eligibility as a derivative to her mother's U visa application. Defendants have
11 refused to grant or deny Plaintiff IRMA MORENO SANVICENTE a U visa.

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15 30. Plaintiff ROSA GALAVIZ is a citizen and national of Mexico. She is a
16 resident of the State of Indiana. She is a victim of criminal domestic violence, has
17 cooperated with law enforcement, and is statutorily eligible for the issuance of a
18 U visa. On or about June 28, 2006, she petitioned the USCIS to issue her a U visa
19 in accordance with the Crime Victims Act. She has also petitioned on behalf of
20 her seven minor children who reside in Mexico and are eligible for U visas as
21 derivatives. The domestic violence perpetrated against Plaintiff GALAVIZ by her
22 abusive husband resulted in his deportation. Absent regulations allowing for the
23 issuance of U visas, Plaintiff ROSA GALAVIZ's children are in danger of aging out
24 of eligibility as derivatives to her U visa application. Defendants have refused to
25 grant or deny Plaintiff ROSA GALAVIZ or her children U visas.

1 31. Plaintiff MARIA LUISA ARROYO TORRES is a citizen and national of
2 Mexico. She is a resident of the City of Mercedes, State of Texas. She is a victim of
3 assault and domestic violence and is statutorily eligible for the issuance of a U
4 visa. On or about July 10, 2006, she petitioned the USCIS for benefits under the
5 Crime Victims Act. Plaintiff TORRES submitted her application with a U
6 certification signed on August 5, 2005 by Assistant Criminal District Attorney of
7 the County of Hidalgo, over six months before the date on which she applied for
8 U visa benefits. Defendants rejected her request for a U visa because her U
9 certification was not signed within six months of her request for a U visa.
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11 32. Plaintiff JUAN FRANCISCO ROCHA ROCHA is a citizen and national of
12 Mexico. He is a resident of the City of Alamo, State of Texas. He and his family
13 were the victims of a felonious assault and attempted murder, cooperated with
14 law enforcement, and are statutorily eligible for the issuance of a U visa. On or
15 about November 30, 2006, he petitioned the USCIS to issue him benefits under
16 the Crime Victims Act. At the same time, Plaintiff ROCHA ROCHA filed an I-765
17 application for employment authorization. Prior to November 2006, the USCIS
18 accepted concurrent filing of U visa or deferred action status and employment
19 authorization applications. On information and belief, in or about November
20 2006, without complying with the notice and comment provisions of the
21 Administrative Procedures Act, defendants changed their policy and now no
22 longer accept employment authorization applications along with applications for
23 U visas or deferred action status. Plaintiff ROCHA ROCHA was issued a denial of
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1 his application for employment authorization on or about January 17, 2007, and
2 his application for U visa benefits remains pending.

3 33. Plaintiff JORGE DOMINGUEZ RIVERA is a citizen and national of Mexico
4 temporarily residing in Tucson, Arizona. He is the victim of felonious assault
5 perpetrated by a U.S. Border Patrol agent on January 12, 2007, when that agent
6 tried to run Plaintiff DOMINGUEZ RIVERA over with his vehicle. Plaintiff
7 DOMINGUEZ RIVERA has cooperated with law enforcement agents investigating
8 the incident. Plaintiff DOMINGUEZ RIVERA has applied for a U visa and requested
9 that Defendants issue a U certification since Defendants' agents are investigating
10 the alleged felonious assault. In February 2007, Defendants threatened Plaintiff
11 DOMINGUEZ RIVERA with execution of an order of expedited removal before his
12 application for a U visa is adjudicated. Defendants have refused and failed to
13 issue regulations and to adjudicate Plaintiff JORGE DOMINGUEZ RIVERA's
14 application for a U visa.

15 34. Defendant Michael CHERTOFF is the Secretary of the United States
16 Department of Homeland Security. Defendant CHERTOFF is charged with the
17 implementation of the Immigration and Nationality Act, 8 U.S.C. §§ 1101 *et seq.*,
18 and with the administration of the United States Citizenship and Immigration
19 Services. He is sued in his official capacity.

20 35. Defendant UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES
21 ("USCIS") is a bureau of the U.S. Department of Homeland Security. USCIS is
22 charged with the implementation of the Immigration and Nationality Act, 8
23 U.S.C. §§ 1101 *et seq.*, including the U visa provisions, as well as enactments of

1 Congress requiring the promulgation of implementing regulations pursuant to
 2 which plaintiffs and those similarly situated may have their eligibility for U visas
 3 lawfully determined.

4 IV

5 CLASS ALLEGATIONS

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 7 36. Plaintiffs bring this action on behalf of themselves and all other
 8 persons similarly situated pursuant to Fed.R.Civ.Proc. Rule 23(a) and 23(b)(2).
 9 Plaintiffs provisionally propose this action be certified on behalf of the following
 10 class:
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12 All persons who are *prima facie* eligible for a U visa and who have applied
 13 for or would apply for issuance of a U visa but for defendants' failure to
 14 issue U visas or promulgate regulations implementing § 1512 of the
 15 Victims of Trafficking and Violence Protection Act of 2000.
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17 37. Members of the proposed class likely number in the thousands and are
 18 so numerous that joinder of all members is impracticable. The claims of the
 19 proposed class representatives and those of the proposed class members raise
 20 common questions of law and fact concerning, *inter alia*, whether defendants may
 21 lawfully refuse to provide a path by which individuals who are *prima facie*
 22 eligible for U visas may apply for the immigration benefit Congress has made
 23 available to them. These questions are common to the named plaintiffs and to the
 24 members of the proposed class because Defendants have acted and will continue
 25 to act on grounds generally applicable to both the named plaintiffs and proposed
 26 class members. The individual named plaintiffs' claims are typical of the class
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1 claims. The named plaintiffs will adequately represent all members of the
2 proposed class.

3 38. The prosecution of separate actions by individual members of the class
4 would create a risk of inconsistent or varying adjudications establishing
5 incompatible standards of conduct for defendants. The issuance of regulations,
6 forms, standards and procedures is a national function, not a function performed
7 differently in each individual case or in each USCIS district or region.

8 Prosecution of separate actions would create the risk that individual class
9 members will secure court orders that would as a practical matter be dispositive
10 of the claims of other class members not named parties to this litigation, thereby
11 substantially impeding the ability of unrepresented class members to protect
12 their interests.

13 39. Defendants, their agents, employees, and predecessors and successors
14 in office have acted or refused to act, and will continue to act or refuse to act, on
15 grounds generally applicable to the class, thereby making appropriate injunctive
16 relief or corresponding declaratory relief with respect to the class as a whole.

17 Plaintiffs will vigorously represent the interests of unnamed class members. All
18 members of the proposed class will benefit by the action brought by the
19 plaintiffs. The interests of the plaintiffs and those of the proposed class members
20 are identical. Plaintiffs are represented by counsel associated with non-profit
21 public interest law firms and reputable private firms acting *pro bono publico* and
22 include attorneys highly experienced in federal class action litigation involving
23 the rights of foreign nationals, children, and refugees within the United States.

V

FACTUAL ALLEGATIONS

40. Although the Crime Victims Act set no specific date by which defendants were required to promulgate regulations implementing the U visa program, several years after its enactment, in the Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. 109-162, 119 Stat. 2960 (2006) ("VAWA Reauthorization Act"), Congress directed defendants to "promulgate regulations to implement" the U visa program "[n]o later than 180 days after the date of enactment of this Act..." *Id.* at § 828. On January 5, 2006, the VAWA Reauthorization Act was signed into law, and defendants were thereafter under an unambiguous legal duty to promulgate U visa regulations no later than July 4, 2006.

41. Defendants have nevertheless persisted in their failure to afford crime victims a means to apply for and obtain U visas. Instead, defendants have granted some U visa-eligible persons a quasi-legal, non-statutory temporary status known as "deferred action." Deferred action is no more than an exercise of prosecutorial discretion not to seek a crime victim's immediate deportation or removal. Deferred action confers no cognizable legal status and simply defers an individual's deportation from the United States. In contrast, recipients of actual U visas are entitled, among other benefits, to be employed, to travel abroad, to be referred for social and related services, and to accrue time toward eligibility for lawful permanent residence. 8 U.S.C. § 1255(m) (U visa holders eligible for permanent residence after three years).

1 42. Pursuant to 8 U.S.C. § 1101(U)(ii), the spouses, children, and, if the
2 applicant is under 21, the unmarried siblings, of persons who are issued U visas
3 are entitled to "derivative" U visas if they are "accompanying or following to
4 join" a U visa holder. *Id.* 8 U.S.C. § 1101(b)(1) defines the term "child" as "an
5 unmarried person under twenty-one years of age ..." Persons eligible for
6 derivative U visas as "children" accordingly become ineligible for such visas
7 upon turning 21 years of age. Because defendants have failed to issue U visas,
8 persons eligible for derivative U visas have been denied and will be denied
9 benefits Congress intended to extend to them because the defendants have
10 permitted them to "age out" of eligibility.

13 43. Shortly after enactment of the Crime Victims Act, defendants adopted
14 a policy and practice permitting persons who sought U visas or deferred action
15 on the basis of asserted eligibility for U visas to apply for employment
16 authorization concurrently with their requests for deferred action. This policy
17 and practice allowed persons whom defendants granted deferred action status to
18 work lawfully in the United States after a maximum delay of 90 days. 8 C.F.R. §
19 274a.13(d). The policy and practice was consistent with defendants' treatment of
20 applicants for other immigration benefits who are permitted to apply for
21 employment authorization concurrently with their applications for lawful status.
22 *See, e.g.* 8 C.F.R. § 274a.13(a)(2).

26 44. However on or about November 2, 2006, defendants discontinued the
27 afore-alleged policy and practice and adopted a new policy to reject applications
28 for employment authorization from persons seeking U visas or deferred action

1 not adjudicate her or her children's applications for U visas until after they
2 promulgate implementing regulations, something Defendants have failed to do
3 for six years.

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5 49. Plaintiff XIOMARA CASTRO is a victim of criminal assault and domestic
6 violence. On or about January 26, 2002, Plaintiff XIOMARA CASTRO was
7 physically attacked by her husband and suffered extreme physical abuse as a
8 result. Section 1512 of the Crime Victims Act of 2000 declares the victims of such
9 crimes eligible for U Visas. Plaintiff XIOMARA CASTRO reported these crimes to
10 the Rosenberg Police Department in Rosenberg, TX and the perpetrator was
11 found guilty as charged. Additionally, on March 30, 2004, a Police Officer from
12 the Rosenberg Police Department certified that XIOMARA CASTRO was being
13 helpful in the investigation and prosecution of the crime. On or about July 30,
14 2004, Plaintiff XIOMARA CASTRO presented Defendants a written request for
15 benefits under the Crime Victims Act. Defendants have refused and failed to
16 issue regulations and or to issue Plaintiff XIOMARA CASTRO a U visa. On
17 information and belief, Plaintiff XIOMARA CASTRO alleges that Defendants have
18 not and will not adjudicate an application for a U visa until after they
19 promulgate implementing regulations, something Defendants have failed to do
20 for six years. Defendants' failure to issue implementing regulations deprives
21 Plaintiff XIOMARA CASTRO, and those similarly situated of procedures,
22 standards, and forms by which they may obtain a U visa. Defendants' unlawful
23 failure and refusal to adjudicate Plaintiff XIOMARA CASTRO's application for a U
24 visa blocks their ability to travel abroad and accrue three years temporary
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1 based on asserted eligibility for a U visa until after deferred action is actually
2 granted. Defendants take an average of several months to decide a request for
3 deferred action based on asserted eligibility for a U visa. Defendants' new policy
4 and practice accordingly delay for an additional several months the time when
5 persons statutorily eligible for U visas are permitted to work lawfully in the
6 United States. Said policy and practice encode a substantive value judgment and
7 substantially alter the rights or interests of regulated parties, but were adopted
8 entirely informally and without compliance with any of the rulemaking
9 provisions of the Administrative Procedure Act, 5 U.S.C. § 553.
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12 45. 8 U.S.C. § 1184(p)(3)(A) requires defendants to "provide aliens
13 [holding U visas] with referrals to nongovernmental organizations to advise the
14 aliens regarding their options while in the United States and the resources
15 available to them..." As a matter of policy and practice, defendants fail to
16 provide persons statutorily eligible for U visas with referrals as required by 8
17 U.S.C. § 1184(p)(3)(A).
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19 46. 8 U.S.C. § 1184(p)(1) requires that "[t]he petition filed by an alien [for a
20 U visa] shall contain a certification from a Federal, state or local law enforcement
21 official, prosecutor, judge, or other Federal State or local authority investigation
22 criminal activity ... This certification shall state that the alien 'has been helpful, is
23 being helpful, or is likely to be helpful' in the investigation or prosecution of
24 criminal activity..." Nothing in § 1184(p) or elsewhere requires that the specified
25 certification be executed within any specific time proximate to the filing of an
26 application for a U visa.
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1 47. However, defendants, as a matter of policy and practice, deny deferred
2 action to individuals who seek such relief based on asserted eligibility for U visas
3 whenever they do not furnish a § 1184(p)(1) certification executed within six
4 months of their requests for deferred action. Said policy and practice graft onto §
5 1184(p)(1) an *ultra vires* and unlawful eligibility requirement.

7 48. Plaintiff SANDRA BUCIO is a citizen and national of Mexico. She is a
8 resident of the City of San Francisco, State of California. Plaintiff BUCIO is a
9 victim of an aggravated assault and battery and false imprisonment. Section
10 1512 of the Crime Victims Act of 2000 declares the victims of such crimes eligible
11 for U Visas. Plaintiff BUCIO reported these crimes to the Hidalgo Police Station
12 in New Mexico and the perpetrator was arrested and was charged with several
13 crimes, including aggravated battery, false imprisonment, and child abuse. On
14 December 20, 2002 a Deputy District Attorney of Grant County in New Mexico
15 certified that Plaintiff BUCIO had been helpful in the investigation and
16 prosecution of the crime. On October 3, 2003, a new certification was obtained
17 from the same District Attorney's office. The law enforcement certification
18 further states that the criminal investigation and prosecution would be harmed
19 without the assistance of Plaintiff SANDRA BUCIO's children, Plaintiffs SERGIO
20 BUCIO PEREZ AND ANDRES BUCIO PEREZ. On or about February 1, 2004 Plaintiff
21 SANDRA BUCIO presented Defendants a written request for benefits for her and
22 her children under the Crime Victims Act. Defendants have refused and failed to
23 issue U visas to Plaintiff SANDRA BUCIO or SERGIO or ANDRES BUCIO PEREZ. On
24 information and belief, Plaintiff BUCIO alleges that Defendants have not and will

1 residence as required by the Victims Protection Act before they may obtain
2 permanent residence.

3 50. Plaintiff RAMONA QUINTERO is a victim of criminal threats, Restraining
4 Order violation, and battery (Domestic Violence). On or about July 15, 2003
5 RAMONA QUINTERO was physically attacked by her former husband and
6 suffered extreme physical abuse. Plaintiff RAMONA QUINTERO reported these
7 crimes to the San Francisco Police Department and on August 26, 2004, an
8 Assistant District Attorney of the San Francisco District Attorney's Office
9 certified that RAMONA QUINTERO has been helpful in the prosecution of the
10 crime. On or about October 6, 2004, Plaintiff RAMONA QUINTERO presented
11 Defendants a written request for benefits under the Crime Victims Act.
12 Defendants have refused and failed to issue regulations or to grant Plaintiff
13 RAMONA QUINTERO a U visa. On information and belief, Plaintiff RAMONA
14 QUINTERO alleges that Defendants have not and will not adjudicate an
15 application for a U visa until after they promulgate implementing regulations,
16 something Defendants have failed to do for six years. Defendants' failure to issue
17 implementing regulations deprives Plaintiff RAMONA QUINTERO, and those
18 similarly situated of procedures, standards, and forms by which they may obtain
19 a U visa. Defendants' unlawful failure and refusal to adjudicate Plaintiff
20 RAMONA QUINTERO's application for a U visa blocks their ability to travel abroad
21 and accrue three years temporary residence as required by the Victims Protection
22 Act before they may obtain permanent residence.
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1 51. Plaintiff LUIS R. NUNEZ HERNANDEZ is a victim of aggravated assault
2 with a gun and attempted murder. Section 1512 of the Crime Victims Act of 2000
3 declares the victims of such crimes eligible for U Visas. Plaintiff HERNANDEZ
4 reported these crimes to the San Francisco Police Station in California and an
5 Assistant District Attorney has certified that Plaintiff HERNANDEZ has been
6 helpful in the investigation of the crime. On or about September 17, 2004,
7 Plaintiff HERNANDEZ presented Defendants a written request for a U visa.
8 Defendants have refused and failed to issue U visa regulations or to grant
9 Plaintiff HERNANDEZ a U visa. On information and belief, Plaintiff HERNANDEZ
10 alleges that Defendants have not and will not adjudicate an application for a U
11 visa until after they promulgate implementing regulations, something
12 Defendants have failed to do for six years.

13 52. Plaintiff RICARDO NUNEZ HERNANDEZ is a victim of aggravated
14 assault with a gun and attempted murder. On or about March 21, 2003, Plaintiff
15 NUNEZ HERNANDEZ was shot in the chest. Section 1512 of the Crime Victims Act
16 of 2000 declares the victims of such crimes eligible for U Visas. Plaintiff NUNEZ
17 HERNANDEZ reported these crimes to the San Francisco Police Department in
18 California and an Assistant District Attorney has certified that NUNEZ
19 HERNANDEZ has been helpful in the investigation of the crime. On or about
20 September 17, 2004, Plaintiff NUNEZ HERNANDEZ presented Defendants with a
21 written request for relief under the Crime Victims Act. Defendants have refused
22 and failed to issue U visa regulations or to grant Plaintiff NUNEZ HERNANDEZ a
23 U visa. On information and belief, Plaintiff RICARDO NUNEZ HERNANDEZ alleges